

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240)777-6600

Case No. S-687-E
(Case No. S-1344)

PETITION OF BULLIS SCHOOL, INC.

RESOLUTION TO GRANT ADMINISTRATIVE MODIFICATION

(Resolution Adopted July 24, 2002)

(Effective Date of Resolution: August 1, 2002)

The Board of Appeals is in receipt of a letter from Jody S. Kline, Esquire, dated July 1, 2002. Mr. Kline's letter states in part:

"In a 1962 Opinion in Case No. BA-1344, the Board of Appeals granted to Bullis School permission to operate a private educational institution with an enrollment of up to 600 students. In September, 2002, for the first time in the School's history, Bullis' enrollment may reach 600."

"The purpose of this letter is to request that the Board of Appeals administratively modify Special Exception No. S-687 to allow Bullis' enrollment to "float" up to 604 students during part of the school year in order to address the inevitable shrinkage in student population which historically occurs between September and June. In other words, Bullis would like the Board's assistance to address seasonal fluctuations in enrollment that keep the School from achieving its desired, its targeted and its budgeted enrollment of 600 students at the end of the academic year."

"Bullis' Admission Office has prepared the attached charts and tables demonstrating that the size of Bullis' student body has shrunk during the school year an average of 1.5% during the six past school years. For the past three academic years, the School has experienced an annual net reduction in enrollment of nine (2001-2002), ten (2000-2001) and seven students respectively. Such attrition during the school year, which experience shows will not be offset by mid year entries, interferes with the School's academic programming and budgeting, and

hinders the school in fulfilling its overall plans to enhance its programs and its facilities.”

“Also enclosed is a chart showing that if Bullis is allowed to open for classes in September, 2002 with 604 students, we expect that by January 1, 2003 enrollment will be 600.”

The subject property is in the RE-2 zone of the Potomac-Cabin John Vicinity Planning Area, consisting of approximately 77 acres known as Lots N317 and P244, located at 10601 Falls Road, Potomac.

Section 59-G-1.3(c) of the Zoning Ordinance provides in pertinent part, that the Board may amend or modify the terms or conditions of a special exception approval without convening a public hearing:

“If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood...”.

The Board finds that the modifications which have been proposed will have no discernable impact upon the surrounding neighborhood, nor will they substantially change anything about the nature, character, or intensity of the use. This minimal increase in student enrollment will not have an adverse impact on the surrounding neighborhood because there will be no meaningful increase in activity levels or traffic associated with the additional students. Therefore,

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-687 (CBA-1344), Petition of Bullis School, Inc. is hereby reopened to receive Jody S. Kline’s July 1, 2002 letter with attachments; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to allow Bullis School’s enrollment to “float” up to 604 students during part of the school year is granted; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception granted in Case No. S-687 (CBA-1344), together with any modifications thereto granted by the Board of Appeals, remain in full force and effect.

On a Motion by Louise L. Mayer, seconded by Angelo M. Caputo, with Donna L. Barron, Allison I. Fultz, and Donald H. Spence, Jr., in agreement, the Board adopted the foregoing Resolution.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of

Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 1st day of August, 2002.

Katherine Freeman
Executive Secretary to the Board

NOTE :

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.